

House Amendment 1506

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1 1 Amend House File 874 as follows:
1 2 #1. By striking everything after the enacting
1 3 clause and inserting the following:
1 4 <Section 1. Section 170.1, subsection 4, Code
1 5 2005, is amended to read as follows:
1 6 4. a. "Farm deer" means an animal belonging to
1 7 the cervidae family and classified as part of the dama
1 8 species of the dama genus, commonly referred to as
1 9 fallow deer; part of the elaphus species of the cervus
1 10 genus, commonly referred to as red deer or elk; part
1 11 of the virginianus species of the odocoileus genus,
1 12 commonly referred to as whitetail; part of the
1 13 hemionus species of the odocoileus genus, commonly
1 14 referred to as mule deer; or part of the nippon
1 15 species of the cervus genus, commonly referred to as
1 16 sika. ~~However, a farm deer~~
1 17 b. "Farm deer" does not include any unmarked free=
1 18 ranging elk, whitetail, or mule deer. "Farm deer"
1 19 also does not include preserve whitetail which are
1 20 kept on a hunting preserve as provided in chapter
1 21 484C.
1 22 Sec. 2. NEW SECTION. 170.1A APPLICATION OF
1 23 CHAPTER.
1 24 1. A landowner shall not keep whitetail unless the
1 25 whitetail are kept as farm deer under this chapter or
1 26 kept as preserve whitetail on a hunting preserve
1 27 pursuant to chapter 484C.
1 28 2. This chapter authorizes the department of
1 29 agriculture and land stewardship to regulate whitetail
1 30 kept as farm deer. However, the department of natural
1 31 resources shall regulate preserve whitetail kept on a
1 32 hunting preserve pursuant to chapter 484C.
1 33 Sec. 3. Section 484B.3, Code 2005, is amended to
1 34 read as follows:
1 35 484B.3 AUTHORITY OF THE DIRECTOR.
1 36 1. The director shall develop, administer, and
1 37 enforce hunting preserve programs and requirements
1 38 within the state which implement the provisions of
1 39 this chapter and the rules adopted by the commission
1 40 pursuant to this chapter.
1 41 2. The chapter does not apply to keeping farm deer
1 42 as defined in section 170.1 as regulated by the
1 43 department of agriculture and land stewardship
1 44 pursuant to chapter 170 or to preserve whitetail kept
1 45 on a hunting preserve as regulated by the department
1 46 of natural resources pursuant to chapter 484C.
1 47 Sec. 4. NEW SECTION. 484C.1 DEFINITIONS.
1 48 As used in this chapter, unless the context
1 49 otherwise requires:
1 50 1. "Commission" means the natural resource
2 1 commission as created pursuant to section 455A.6.
2 2 2. "Department" means the department of natural
2 3 resources as created pursuant to section 455A.2.
2 4 3. "Documented event" includes but is not limited
2 5 to the birth, death, harvest, transfer for
2 6 consideration, or release of preserve whitetail.
2 7 4. "Fence" means a boundary fence which encloses
2 8 preserve whitetail within a landowner's property as
2 9 required to be constructed and maintained pursuant to
2 10 this chapter.
2 11 5. "Hunting preserve" means land where a landowner
2 12 keeps preserve whitetail as part of a business, if the
2 13 business's purpose is to provide persons with the
2 14 opportunity to hunt the preserve whitetail.
2 15 6. "Landowner" means a person who holds an
2 16 interest in land, including a titleholder.
2 17 7. "Preserve whitetail" means whitetail kept on a
2 18 hunting preserve.
2 19 8. "Whitetail" means an animal belonging to the
2 20 cervidae family and classified as part of the
2 21 virginianus species of the odocoileus genus.
2 22 Sec. 5. NEW SECTION. 484C.2 APPLICATION OF
2 23 CHAPTER.
2 24 1. A landowner shall not keep whitetail unless the

2 25 whitetail are kept as preserve whitetail pursuant to
2 26 this chapter or as farm deer pursuant to chapter 170.
2 27 2. This chapter authorizes the department of
2 28 natural resources to regulate preserve whitetail.
2 29 However, the department of agriculture and land
2 30 stewardship shall regulate whitetail kept as farm deer
2 31 pursuant to chapter 170.

2 32 Sec. 6. NEW SECTION. 484C.3 RULES.

2 33 The department shall adopt rules pursuant to
2 34 chapter 17A as necessary to administer this chapter.

2 35 Sec. 7. NEW SECTION. 484C.4 DEPARTMENTAL
2 36 PROGRAMS AND REQUIREMENTS.

2 37 The department shall develop, administer, and
2 38 enforce hunting preserve programs and requirements,
2 39 which implement the provisions of this chapter and
2 40 rules adopted by the department pursuant to section
2 41 484C.3, regarding fencing, recordkeeping, reporting,
2 42 and the tagging, transportation, testing, and
2 43 monitoring for disease of preserve whitetail.

2 44 Sec. 8. NEW SECTION. 484C.5 MINIMUM ENCLOSED
2 45 ACREAGE == EXCEPTIONS.

2 46 A hunting preserve must include at least three
2 47 hundred twenty contiguous acres which are enclosed by
2 48 a fence certified pursuant to section 484C.6.

2 49 However, the hunting preserve may include a fewer
2 50 number of enclosed acres if any of the following
3 1 applies:

3 2 1. The commission grants a waiver for the hunting
3 3 preserve according to terms and conditions required by
3 4 the commission. The hunting preserve must include at
3 5 least one hundred sixty contiguous acres.

3 6 2. a. The hunting preserve was operated as a
3 7 business on January 1, 2005.

3 8 b. If the hunting preserve was operating on
3 9 January 1, 2005, the landowner or the landowner's
3 10 successor in interest may sell or otherwise transfer
3 11 ownership of the hunting preserve to another person
3 12 who may continue to operate the hunting preserve in
3 13 the same manner as the landowner. However, this
3 14 paragraph shall not apply if the owner of the hunting
3 15 preserve or any successor in interest fails to
3 16 register with the department as provided in section
3 17 484C.7 for three or more consecutive years.

3 18 3. a. The hunting preserve was not operated as a
3 19 business on January 1, 2005, and all of the following
3 20 apply:

3 21 (1) The hunting preserve has at least one hundred
3 22 contiguous acres.

3 23 (2) The hunting preserve's fence is certified by
3 24 the department not later than September 1, 2005.

3 25 b. If the hunting preserve complies with paragraph
3 26 "a", the landowner or the landowner's successor in
3 27 interest may sell or otherwise transfer ownership of
3 28 the hunting preserve to another person who may
3 29 continue to operate the hunting preserve in the same
3 30 manner as the landowner. However, this paragraph
3 31 shall not apply if the owner of the hunting preserve
3 32 or any successor in interest fails to register with
3 33 the department as provided in section 484C.7 for three
3 34 or more consecutive years.

3 35 Sec. 9. NEW SECTION. 484C.6 FENCING ==
3 36 CERTIFICATION.

3 37 1. A fence required to enclose preserve whitetail
3 38 under section 484C.5 must be constructed and
3 39 maintained as prescribed by rules adopted by the
3 40 department and as certified by the department. The
3 41 fence shall be constructed and maintained to ensure
3 42 that the preserve whitetail are kept in the enclosure
3 43 and all other whitetail are excluded from the
3 44 enclosure.

3 45 2. A fence that was certified by the department of
3 46 agriculture and land stewardship pursuant to chapter
3 47 170 prior to the effective date of this Act shall be
3 48 certified by the department of natural resources.

3 49 3. A fence shall be at least eight feet in height
3 50 above ground level. The enclosure shall be posted
4 1 with signs as prescribed by rules adopted by the
4 2 department.

4 3 4. The department may require that the fence be
4 4 inspected and approved by the department prior to
4 5 certification. The department shall periodically

4 6 inspect the fence at any reasonable time by
4 7 appointment or by providing the landowner with at
4 8 least forty-eight hours' notice.

4 9 Sec. 10. NEW SECTION. 484C.7 REGISTRATION AND
4 10 FEE.

4 11 A landowner who keeps preserve whitetail shall
4 12 annually register the landowner's hunting preserve
4 13 with the department by June 30. The landowner shall
4 14 pay the department a registration fee. The amount of
4 15 the registration fee shall not exceed three hundred
4 16 fifty dollars per fiscal year. The fee shall be
4 17 deposited into the state fish and game protection
4 18 fund.

4 19 Sec. 11. NEW SECTION. 484C.8 REQUIREMENTS FOR
4 20 RELEASING WHITETAIL == PROPERTY INTERESTS.

4 21 A person shall not release whitetail kept as
4 22 preserve whitetail onto land unless the landowner
4 23 complies with all of the following:

4 24 1. The landowner must notify the department at
4 25 least thirty days prior to first releasing the
4 26 preserve whitetail on the land. The notice shall be
4 27 provided in a manner required by the department. The
4 28 notice must at least provide all of the following:

4 29 a. A statement verifying that the fence which
4 30 encloses the land is certified by the department
4 31 pursuant to section 484C.6.

4 32 b. The landowner's name.

4 33 c. The location of the land enclosed by the fence.

4 34 2. The landowner shall cooperate with the
4 35 department to remove any whitetail from the enclosed
4 36 land. However, after the thirtieth day following
4 37 receipt of the notice, the state shall relinquish its
4 38 property interest in any remaining whitetail that the
4 39 landowner and the department were unable to remove
4 40 from the enclosed land. Any remaining whitetail
4 41 existing at that time on the enclosed land, and any
4 42 progeny of the whitetail, shall become preserve
4 43 whitetail and property of the landowner.

4 44 3. A hunting preserve may include whitetail which
4 45 were regulated as farm deer by the department of
4 46 agriculture and land stewardship pursuant to chapter
4 47 170 and transported to the hunting preserve. The
4 48 whitetail shall be considered farm deer until released
4 49 onto the hunting preserve. Once released onto the
4 50 hunting preserve, the whitetail and its progeny become
5 1 preserve whitetail and are subject to regulation by
5 2 the department of natural resources.

5 3 Sec. 12. NEW SECTION. 484C.9 DOCUMENTATION ==
5 4 INSPECTIONS.

5 5 1. The department shall prepare forms for
5 6 documents, including records and reports, and provide
5 7 such forms to landowners in order to comply with this
5 8 section. The department shall provide procedures for
5 9 the receipt, filing, processing, and return of
5 10 documents in an electronic format. The department
5 11 shall provide for the authentication of the documents
5 12 that may include electronic signatures as provided in
5 13 chapter 554D. However, this subsection does not
5 14 require a landowner to complete or receive a document
5 15 in an electronic format.

5 16 2. A landowner who operates a hunting preserve
5 17 shall do all of the following:

5 18 a. Keep records as required by the department.
5 19 The records shall be open for inspection at any
5 20 reasonable time by the department.

5 21 b. File an annual report with the department on or
5 22 before June 30. The report shall describe the hunting
5 23 preserve operations during the preceding twelve
5 24 months. The original report shall be forwarded to the
5 25 department and a copy shall be retained in the hunting
5 26 preserve's file for three years from the date of
5 27 expiration of the landowner's last registration as
5 28 provided in section 484C.7.

5 29 c. Keep a record of a documented event as required
5 30 by the department. The record of the documented event
5 31 shall be entered in the annual report required in this
5 32 section. The record of the documented event shall be
5 33 maintained by the landowner and submitted to the
5 34 department. The entry of the documented event shall
5 35 be made within twenty-four hours after its occurrence
5 36 as prescribed by departmental rule.

5 37 Sec. 13. NEW SECTION. 484C.10 TAKING PRESERVE
5 38 WHITETAILED == TRANSPORTATION TAGS.
5 39 The department shall provide transportation tags to
5 40 a landowner for use in identifying the carcass of
5 41 preserve whitetail.
5 42 1. The tags shall be used to designate all
5 43 preserve whitetail taken by persons on the hunting
5 44 preserve. A person taking the preserve whitetail
5 45 shall tag the preserve whitetail in accordance with
5 46 the rules adopted by the department.
5 47 2. The preserve whitetail taken on a hunting
5 48 preserve shall be tagged prior to being removed from
5 49 the hunting preserve.
5 50 3. A tag shall remain attached to the carcass of
6 1 the dead preserve whitetail until processed for
6 2 consumption. The person taking the preserve whitetail
6 3 shall be provided with a bill of sale by the
6 4 landowner. The bill of sale shall remain in the
6 5 possession of the person taking the preserve
6 6 whitetail.
6 7 4. Preserve whitetail tags issued to a hunting
6 8 preserve are not transferable.
6 9 Sec. 14. NEW SECTION. 484C.11 TAKING PRESERVE
6 10 WHITETAILED == PROCESSING.
6 11 If preserve whitetail have been taken, the
6 12 harvested preserve whitetail may be processed by the
6 13 hunting preserve as prescribed by rules adopted by the
6 14 department. The rules shall provide for the marking
6 15 and shipment of meat.
6 16 Sec. 15. NEW SECTION. 484C.12 HEALTH
6 17 REQUIREMENTS == CHRONIC WASTING DISEASE.
6 18 1. Preserve whitetail that are purchased,
6 19 propagated, confined, released, or sold by a hunting
6 20 preserve shall be free of diseases considered
6 21 reportable for wildlife, poultry, or livestock. The
6 22 department may provide for the quarantine of diseased
6 23 preserve whitetail that threaten the health of animal
6 24 populations.
6 25 2. The landowner, or the landowner's veterinarian,
6 26 and an epidemiologist designated by the department
6 27 shall develop a plan for eradicating a reportable
6 28 disease among the preserved whitetail population. The
6 29 plan shall be designed to reduce and then eliminate
6 30 the reportable disease, and to prevent the spread of
6 31 the disease to other animals. The plan must be
6 32 developed and signed within sixty days after a
6 33 determination that the preserved whitetail population
6 34 is affected with the disease. The plan must address
6 35 population management and adhere to rules adopted by
6 36 the department. The plan must be formalized as a
6 37 memorandum of agreement executed by the landowner or
6 38 landowner's veterinarian and the epidemiologist. The
6 39 plan must be approved by the department.
6 40 Sec. 16. NEW SECTION. 484C.13 PENALTIES.
6 41 1. A person who violates a provision of this
6 42 chapter or a rule adopted pursuant to this chapter is
6 43 guilty of a simple misdemeanor.
6 44 2. A landowner who keeps preserve whitetail and
6 45 who fails to register with the department as required
6 46 in section 484C.7 is subject to a civil penalty of not
6 47 more than two thousand five hundred dollars. The
6 48 civil penalty shall be deposited in the state fish and
6 49 game protection fund.
6 50 3. The department may suspend or revoke a fence
7 1 certification issued pursuant to section 484C.6 if the
7 2 department determines that a landowner has done any of
7 3 the following:
7 4 a. Provided false information to the department in
7 5 an application for fence certification pursuant to
7 6 section 484C.6.
7 7 b. Failed to provide access to the department for
7 8 an inspection as provided in this chapter.
7 9 c. Failed to maintain adequate records or to
7 10 submit timely reports as provided in section 484C.9.
7 11 d. Failed to maintain a fence enclosing the land
7 12 where preserve whitetail are kept as required by this
7 13 chapter. The department shall not suspend or revoke a
7 14 certification, if the landowner remedies each item as
7 15 provided in a notice of deficiency delivered to the
7 16 landowner by the department. The remedies shall be
7 17 completed within seven days from receipt of the

7 18 notice. The notice shall be hand delivered or sent by
7 19 certified mail.

7 20 Sec. 17. DEPARTMENT OF AGRICULTURE AND LAND
7 21 STEWARDSHIP AND DEPARTMENT OF NATURAL RESOURCES ==
7 22 JOINT STUDY AND RECOMMENDATIONS.

7 23 1. The department of agriculture and land
7 24 stewardship and the department of natural resources
7 25 shall conduct a joint study to consider issues
7 26 relating to keeping of farm deer pursuant to Code
7 27 chapter 170 and keeping preserve whitetail as part of
7 28 a hunting preserve pursuant to Code chapter 484C as
7 29 enacted by this Act. As part of the study, the
7 30 departments shall consider all of the following:

7 31 a. The fair and effective regulation of farm deer
7 32 and preserve whitetail by the departments.
7 33 b. Threats to farm deer, preserve whitetail, and
7 34 state-owned whitetail caused by potential outbreaks of
7 35 infectious diseases including but not limited to
7 36 chronic wasting disease, and methods to cooperate in
7 37 monitoring and controlling infectious diseases and
7 38 obtaining federal moneys necessary to provide for the
7 39 prevention and suppression of infectious diseases.

7 40 2. The departments shall jointly report the
7 41 results of the study, including findings and
7 42 recommendations, to the government oversight
7 43 committees by November 2005 as required by the
7 44 committees.

7 45 Sec. 18. DEPARTMENT OF NATURAL RESOURCES AND
7 46 HUNTING PRESERVE INDUSTRY == JOINT STUDY AND
7 47 RECOMMENDATIONS.

7 48 1. A preserve whitetail committee is established.
7 49 The committee shall be composed of the following:

7 50 a. Not more than five persons appointed by the
8 1 governor who shall be members of the Iowa whitetail
8 2 deer association.

8 3 b. Not more than five persons appointed by the
8 4 director of the department of natural resources who
8 5 shall be knowledgeable regarding hunting preserves.

8 6 2. The committee shall develop recommendations for
8 7 industry standards and guidelines to be used by the
8 8 natural resource commission when considering the
8 9 granting of waivers for minimum acreage requirements
8 10 for hunting preserves as provided in section 484C.5 as
8 11 enacted in this Act.

8 12 3. The committee shall submit the recommendations
8 13 required in this section to the natural resource
8 14 commission by January 1, 2006.>

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